

1                                   **STATE OF NEW HAMPSHIRE**

2                                   **SITE EVALUATION COMMITTEE**

3                   **January 15, 2020** - 6:00 p.m.                   *(Electronically*  
4                   Fitzwilliam Town Hall                   *filed on 01-30-20)*  
5                   13 Templeton Turnpike  
6                   Fitzwilliam, New Hampshire

7                                   **IN RE:    SEC DOCKET NO. 2019-02**  
8                                   **SITE EVALUATION COMMITTEE:**  
9                                   **Application of Chinook Solar,**  
10                                  **LLC, for a Certificate of**  
11                                  **Site and Facility.**  
12                                  ***(Public Information Session)***

13                   **PRESENT:**

14                   Michael J. Iacopino, Esq., SEC Counsel (Brennan..)                     
15                   *(Presiding as Presiding Officer)*

16                   Pamela G. Monroe, SEC Administrator

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23                   COURT REPORTER:   *Steven E. Patnaude, LCR No. 52*

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**APPEARANCES:****Reptg. Chinook Solar, LLC:**

Douglas L. Patch, Esq. (*Orr & Reno*)

Heath Barefoot, Project Director

Joseph Persechino (*Tighe & Bond*)

Paul Callahan (*NextEra*)

Dana Valteau (*TRC*)

Marc Wallace (*Tech Environmental*)

Matthew Magnusson (*Seacoast Econ.*)

Michael Buscher (*TJ Boyle*)

**Reptg. Counsel for the Public:**

Heather Neville, Esq.

Assistant Attorney General

N.H. Department of Justice

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**P R O C E E D I N G**

1  
2 ADMIN. MONROE: Thank you, everyone.  
3 My name is Pam Monroe. I'm the Administrator  
4 for the Site Evaluation Committee. And with me  
5 tonight is Mike Iacopino, he serves as Counsel  
6 to the Committee.

7 I have a few things up here. If  
8 people don't have them, I will give you a few  
9 minutes to come up. I have a copy of the  
10 agenda for the meeting tonight. I have the  
11 presentation that Mike and I are going to do.  
12 And then, I also have the -- ask if you have  
13 questions, after you hear the presentations, if  
14 you could please write them down. We'll  
15 collect them, and then we'll have them answered  
16 in an orderly fashion.

17 And if you're interested, after we  
18 finish with all that, there's a yellow form, if  
19 you want to speak about the project, what you  
20 think about the project, there's a public  
21 comment session, and we'll just open it up for  
22 people to come up.

23 So, if you raise your hand, I'll  
24 bring you all that stuff. Anybody need

1 anything?

2 *[Asking for show of hands.]*

3 ADMIN. MONROE: Okay. Well, without  
4 further adieu, I will turn it over to Attorney  
5 Iacopino.

6 PRES. OFCR. IACOPINO: Good evening.  
7 Good evening, everybody. My name is Mike  
8 Iacopino. I'm a lawyer from Manchester, New  
9 Hampshire, where I practice with the law firm  
10 of Brennan Lenehan. I have had the privilege  
11 since approximately 1998 of acting as outside  
12 counsel to the New Hampshire Site Evaluation  
13 Committee.

14 We're here tonight for a public  
15 information hearing, which is one of the first  
16 public steps that the Committee takes in  
17 bringing a project that is before the Committee  
18 to the public.

19 First thing that you need to know is  
20 that all of your questions should go to Pam  
21 Monroe. She is our Administrator, her email,  
22 the website, and her telephone number are up  
23 there on the screen right now. She is very  
24 cooperative and very helpful. So, if you have

1 questions or concerns, she should be your first  
2 point of contact. She may refer your question  
3 to me, if it's something legal, or she may  
4 refer you to a state agency, if it has  
5 something to do with state agency involvement.

6 But our purpose tonight, from the  
7 Site Evaluation Committee's view, is to tell  
8 you about what the Site Evaluation Committee is  
9 and how it operates. After we're done with  
10 that, you'll hear the specifics of the proposed  
11 project from those folks who are here to  
12 represent Chinook Solar.

13 So, let's start off with the purposes  
14 of the statute. This is really a balancing  
15 statute. And the number of the statute is RSA  
16 162-H. As lawyers, we call that an "enabling  
17 statute". That's the legislation that gives  
18 the Site Evaluation Committee its authority to  
19 act.

20 And the first part of the statute  
21 deals with the purpose, why it is there. It's  
22 designed to balance benefits and impacts, to  
23 balance the benefits and impacts of the  
24 selection of sites for energy facilities, such

1 as this solar facility, considering the welfare  
2 of the population, private property, the  
3 location and growth of industry, the economic  
4 growth of the state, historic sites,  
5 aesthetics, air and water quality, the natural  
6 resources, and public health and safety. Quite  
7 a few things, as you can see, to balance.

8 Also, part of the purpose of the Site  
9 Evaluation Committee is to avoid undue delay in  
10 construction of new facilities. Also, and very  
11 important, to provide full and timely  
12 consideration of all environmental  
13 consequences. And, finally -- oh, and to  
14 provide, as we're starting to do here tonight,  
15 full and complete public disclosure. And,  
16 then, finally, to make sure that the selection  
17 of sites, construction, and operation of energy  
18 facilities, such as the solar facility that is  
19 proposed for this town, are treated as a  
20 significant aspect of land use planning.

21 So, the Site Evaluation Committee  
22 really has a big job. There's a lot of things  
23 to balance. Basically, it's like a planning  
24 board for energy facilities in the state. It's

1 designed to integrate all of the various  
2 permitting processes. If you think of, if  
3 someone came to Fitzwilliam and wanted to put  
4 in a Walmart or a shopping mall, you can think  
5 of all the permits that they would have to  
6 apply for in order to do that. The Site  
7 Evaluation Committee process for energy  
8 projects sort of becomes a big funnel. All  
9 those state agencies are involved, but all the  
10 permitting comes down to the Site Evaluation  
11 Committee.

12 We do preempt the local authority,  
13 that's your zoning board, building inspector,  
14 planning board may have. And, basically, we  
15 provide a one-stop shopping experience, if you  
16 will, for energy facilities, but also for folks  
17 who are involved and want to have a say in  
18 where and how those energy facilities are or  
19 are not constructed. So, that's basically what  
20 the Site Evaluation Committee is.

21 Who makes up the Site Evaluation  
22 Committee? Those folks up on the screen are  
23 the regular Committee members. Dianne Martin,  
24 who is the Chair of the Public Utilities

1 Commission, serves as the Chair of the Site  
2 Evaluation Committee. And the Commissioner of  
3 the Department of Environmental Services,  
4 Robert Scott, serves as the Vice Chair of the  
5 Committee. The Committee consists of the two  
6 other Public Utilities Commissioners; Mike  
7 Giaimo and Kathryn Bailey currently hold those  
8 positions. The Committee also consists of our  
9 Commissioner of the Department of  
10 Transportation, Victoria Sheehan. The  
11 Committee also consists of the Commissioner of  
12 the Bureau of Economic Affairs, this is a new  
13 one, they split up a state agency. I believe  
14 it's called the Department, is it --

15 ADMIN. MONROE: Business and Economic  
16 Affairs.

17 PRES. OFCR. IACOPINO: The Department  
18 of Business and Economic Affairs. And that's  
19 Taylor Caswell, who's the Commissioner for that  
20 department. And then, the other department,  
21 these two used to be combined, is the  
22 Department of Natural and Cultural Resources.  
23 And Sarah Stewart is the Commissioner of that  
24 particular agency, also sits on the Committee.

1           We have two members of the public.  
2           These are folks who are not state employees,  
3           they're not commissioners, who sit as our  
4           regular public members, or what we sometimes  
5           call "full public members". There are other  
6           public members as well. But the two who are  
7           the full public members are Susan Duprey and  
8           George Kassas.

9           Now, this is what I meant when we  
10          talked about "full public members" and "other  
11          public members". Susan and George are regular  
12          members of the Committee. However, we have  
13          three additional members who are there so that,  
14          when we have a number of these projects going  
15          on at one time, we have the manpower to  
16          consider them. And the three other public  
17          members are Robert Baines, Thomas Eaton, and  
18          Lisa Noe.

19          And each time that a subcommittee is  
20          created for an energy project, such as has been  
21          done in this case, the public members are drawn  
22          out of a Boston Red Sox hat in a random draw  
23          method.

24          So, for this particular

1 Subcommittee -- for this particular project,  
2 the Subcommittee consists of Dianne Martin, she  
3 will be the Presiding Officer. If there are  
4 procedural issues to be determined, the  
5 Presiding Officer is the person on the  
6 Committee who will decide those issues. So,  
7 things like "when are we going to have  
8 hearings?", you know, "what will be the order  
9 of presentation?", if there are some objections  
10 to evidence, the Presiding Officer is the  
11 person who deals with those things.

12 Also sitting on this particular case  
13 is Rene Pelletier. Now, he's been designated  
14 by Bob Scott, the Commissioner of the  
15 Department of Environmental Services, to sit in  
16 his place. Some of our state agencies have the  
17 ability under the statute to designate a senior  
18 administrator in their department or a staff  
19 attorney from their department to sit in their  
20 place. So, Mr. Pelletier will sit in the place  
21 of Bob Scott. And Bill Oldenburg, from the  
22 Department of Transportation, will sit in place  
23 of the Commissioner of Transportation.  
24 Wildolfo Arvelo will sit in the place of Taylor

1 Caswell from Business and Economic Affairs.  
2 Benjamin Wilson is actually a member of the  
3 Committee. And the statute actually says  
4 either "the Commissioner of the Department of  
5 Natural and Cultural Resources or the Director  
6 of the Division of Historical Resources" can  
7 sit. And, in this particular case, Mr. Wilson  
8 will sit on this particular Committee. And our  
9 two public members are Susan Duprey and Thomas  
10 Eaton.

11 So, those are the folks that are  
12 going to come here on February 20th for the  
13 public hearing and listen to anything you all  
14 have to say. They're the folks who are going  
15 to sit on this case through -- until there's a  
16 decision on it. And that includes holding  
17 trial-like hearings, likely to be held in  
18 Concord, but to actually hold what we -- the  
19 lawyers have fancy words for, they're called  
20 "adjudicative hearings". But it's like a  
21 trial, like you see on TV, where there will be  
22 witnesses and cross-examination.

23 And the public is represented by  
24 Counsel for the Public. The Counsel for the

1 Public is an Assistant Attorney General in most  
2 cases, sometimes a Senior Assistant Attorney  
3 General. And her purpose is to represent the  
4 public in seeking to protect the quality of the  
5 environment and to assure an adequate supply of  
6 energy.

7 Counsel for the Public is treated  
8 like a party in any case. If you think of a  
9 criminal case, there's a prosecutor and a  
10 defense lawyer, they have certain rights before  
11 the court, the same thing here. Counsel for  
12 the Public has all the same rights as any other  
13 party would have in a proceeding.

14 In fact, Counsel for the Public can  
15 engage consultants. She can engage her own  
16 legal counsel, if she thinks she needs it. And  
17 that's all at the cost of the applicant.

18 In this particular case, Heather  
19 Newell is our -- Heather Neville, I'm sorry, is  
20 our Counsel for the Public. If you could stand  
21 up and introduce yourself please.

22 MS. NEVILLE: I'm Heather Neville.  
23 I've been appointed. My contact information is  
24 on the slide. If any of you wants a word with

1 me after the discussion ends, I would be  
2 happy to --

3 *[Court reporter interruption.]*

4 ADMIN. MONROE: She'd "be happy to  
5 talk with you as well."

6 MR. PATNAUDE: Okay.

7 PRES. OFCR. IACOPINO: That's another  
8 thing about Site Evaluation Committee hearings,  
9 everything is recorded verbatim by our  
10 excellent court reporter over here  
11 *[indicating]*. So, if you do speak tonight, or  
12 at any time at one of our hearings, you should  
13 make sure that you speak in a manner that is  
14 not too fast, that is loud enough to be heard,  
15 although you have great microphones here, and  
16 make sure you enunciate your words, so that we  
17 can get all of everything that everybody has to  
18 say down into the record.

19 The next thing I want to talk about  
20 is, and we just said that you can call Pam or  
21 you can talk to Heather about your questions or  
22 concerns about projects like this, but people  
23 that you can't talk to, okay? You can't talk  
24 to the members of the Site -- of the

1 Subcommittee themselves. The reason being is  
2 because they sit as judges. This is a  
3 quasi-judicial proceeding. So, there is a rule  
4 against what lawyers call "*ex parte*  
5 communications". What that means is, they're  
6 not supposed to talk to people unless all of  
7 the parties to the action are present.  
8 Oftentimes we have people -- we'll have, for  
9 instance, if we had the Committee here, they  
10 would be lined up at a table. Many times we  
11 have people come up and you just want to be  
12 friendly and talk to them. Pam or I are going  
13 to probably shoo you away. We'll try to do it  
14 politely, because we want to avoid any  
15 situation where the members of the Subcommittee  
16 can be accused of having heard some piece of  
17 evidence that wasn't available to all of the  
18 parties. And they are actually required by  
19 statute not to communicate directly or  
20 indirectly with any person or party in  
21 connection with any matter pending before the  
22 Site Evaluation Committee.

23 And that's why the first thing that I  
24 told you today is any questions that you have

1 or any concerns that you have, in the first  
2 instance should be brought to Pam, and, in the  
3 event that there is a better person to deal  
4 with your concern, she will direct you to that  
5 person.

6 But, again, please, if our Committee  
7 members, if it seems as though they're being  
8 rude or whatnot, they're not. They're just --  
9 they're governed by this law, and they're not  
10 permitted to have *ex parte* communications.

11 How long does this all take? Well,  
12 I'm going to go through the timeline. And it's  
13 a fairly long timeline, but it ends at 365 days  
14 from the date that the Application was  
15 accepted. So, let me take you through it.

16 Okay. Some of this has already  
17 occurred. At some time before the Chinook  
18 Application was filed, at least 30 days before  
19 the filing, the Applicant, I believe they came  
20 here, Doug, was it in this billing? Came here,  
21 and they had what they call a "Pre-Application  
22 Public Information Session". And I understand  
23 that that took place on July 18th. That's not  
24 something that the Committee itself was

1 involved in. But that's sort of the first  
2 public event in our timeline.

3 Once the Application is filed, and in  
4 this case it was filed on October 18th, the  
5 Administrator sends it out to all of the  
6 agencies, state agencies, who might have  
7 jurisdiction or other regulatory authority over  
8 any aspect of the proposal.

9 We also designated a Subcommittee on  
10 November 8th. And the word "expeditiously" is  
11 there is because that's what the statute says  
12 we're supposed to do, we're supposed to do  
13 things expeditiously. And the state agencies  
14 who we sent the Application out are required to  
15 review that Application in an expeditious  
16 fashion, and get back to us within 60 days to  
17 tell us "is this Application complete for their  
18 purposes?" And, in this particular case, all  
19 of the relevant state agencies did get back to  
20 us and determined that the Application was  
21 complete for their purposes. And the  
22 Subcommittee held a hearing on the Application,  
23 after having reviewed it, and said the  
24 Application is complete, and they accepted the

1 Application -- was it December 17th? -- was the  
2 date that we accepted the Application. And  
3 that's the date that most of our other  
4 timelines run from, the date of acceptance of  
5 the Application.

6 Now, mind you, "acceptance" doesn't  
7 mean that they're going to grant the  
8 certificate. It just means that there was  
9 sufficient information in the Application for  
10 the case to proceed. Okay?

11 The next step in our timeline is what  
12 we're doing tonight, is to hold a Public  
13 Information Session, so that the public can  
14 learn about the project and learn about the  
15 Site Evaluation Committee process.

16 Our next step, you'll actually meet  
17 our Subcommittee, and that will be at a Joint  
18 Public Hearing, right here, in Fitzwilliam.  
19 And it will occur on February 20. We're  
20 required to do it within 90 days from  
21 acceptance of the Application. And that's  
22 called a "Joint Public Hearing", because  
23 preferably there will also be representatives  
24 from the various state agencies here. So, the

1 Subcommittee of the Site Evaluation Committee  
2 will be here, as will, hopefully,  
3 representatives from the various state  
4 agencies.

5 And then, we go into our sort of  
6 pre-adjudicative process. The agencies will do  
7 a deeper dive into the Application, and  
8 especially those aspects that, for instance,  
9 DES will deal with environmental issues, the  
10 Division of Historic Resources will take a  
11 deeper dive into historic resources and  
12 archeological resources are affected by this  
13 project. And they will give preliminary  
14 reports to the Site Evaluation Committee by May  
15 15th, 150 days after the acceptance of the  
16 Application. And those preliminary reports,  
17 once filed, will be available on our website.  
18 This is all a public hearing, and these reports  
19 are all public, unless there is something  
20 secret in them. And I will tell you, there are  
21 statutes in New Hampshire which require  
22 confidential treatment of things like where  
23 there might be archeological resources. So, in  
24 some cases, you will see what's called a

1 "Motion for Protective Order" filed on things  
2 like that.

3 The agencies, after giving their  
4 preliminary reports, give us their final  
5 reports, in this case, by August 13th, and  
6 which is 240 days after the acceptance of the  
7 Application.

8 And then, we begin our adjudicative  
9 process, the trial process, if you will. And  
10 that's going to start no earlier than  
11 August 13th, this coming summer. And then,  
12 that proceeds just like you see on TV. There  
13 will be witnesses and cross-examination. There  
14 will be memos of law filed.

15 And, ultimately, the Site Evaluation  
16 Committee Subcommittee will sit in front of you  
17 all and deliberate. And they're actually  
18 required to deliberate in public. And they'll  
19 vote the project up or down. They will vote to  
20 either grant the certificate or deny the  
21 certificate. And then, a written order will  
22 come out.

23 Seems like a long timeline, but you'd  
24 be surprised how fast it goes. But, during the

1 course of that time, we have lots of  
2 opportunities for public participation. It  
3 began before even the Site Evaluation Committee  
4 was involved. One of the things that the  
5 Applicant is required to file with their  
6 Application is the transcript of the  
7 Pre-Application Information Session. So,  
8 that's already been filed along with the  
9 Application. So, there's been public there.

10 There is tonight, anybody who wishes  
11 to give input or ask questions tonight, that  
12 will all become part of the record of our  
13 proceeding. There will be the public hearing  
14 that's on February 20th in front of the  
15 Subcommittee. And the Site Evaluation  
16 Committee accepts written comments from the  
17 public all the way through until the evidence  
18 is closed in the adjudicative process. So,  
19 literally, up to the day that they vote on  
20 whether to grant or deny a certificate, they  
21 will consider any written comments.

22 There are also, on occasions, times  
23 when we will, during the trial process, set  
24 aside an hour or two for public comment at that

1 time. To learn if we're going to do that, you  
2 have to follow the scheduling notices that will  
3 come from our Chairperson.

4 There's another way to intervene. If  
5 you believe that the project affects you  
6 individually, or affects a group that you might  
7 belong to, you can also file a petition to  
8 intervene. Those are due tomorrow -- day after  
9 tomorrow.

10 ADMIN. MONROE: By Friday.

11 PRES. OFCR. IACOPINO: By Friday.

12 And, in order to have a motion to intervene  
13 granted, you've got to show that you have a  
14 demonstrable interest in the outcome of the  
15 proceeding. If you wish to intervene as a  
16 party, you will be requested to act like a  
17 party, to come to the hearings, to act in  
18 accordance with the Site Evaluation Committee  
19 rules, if you were granted intervention status,  
20 and, you know, you have to -- you have to play  
21 by the rules.

22 Of course, everybody who has an  
23 interest in the proceeding has a right to  
24 counsel at your own expense. And if you were

1 to intervene in the proceeding, you could hire  
2 a lawyer to represent you, if your intervention  
3 was granted, or you could hire a lawyer to move  
4 for your intervention as well. So, those are  
5 the areas where the public can be involved in  
6 our cases.

7 What does the Site Evaluation  
8 Committee have to find? What is it that they  
9 actually do? There are certain criterias --  
10 criteria and findings that the statute, our  
11 enabling statute, as I said before, the statute  
12 that gives authority to the Site Evaluation  
13 Committee, requires that the Site Evaluation  
14 Committee consider certain things.

15 The first is whether the Applicant  
16 has adequate financial, technical, and  
17 managerial capabilities to site, construct, and  
18 operate the project, in a manner that would be  
19 consistent with the certificate and any  
20 conditions that are in the certificate.

21 The second consideration that the  
22 Site Evaluation Committee must determine is  
23 whether the project will unduly interfere with  
24 the orderly development of the region, giving

1 due consideration to the views of municipal  
2 agencies, regional planning agencies, and  
3 municipal governing bodies. So, the Site  
4 Evaluation Committee will consider the views of  
5 the board of selectmen, the planning board, any  
6 of these agencies that come forward and present  
7 their views, those will be considered. Now, as  
8 I said before, the Site Evaluation Committee  
9 does not have to follow them, nor does the  
10 Applicant have to go through your local  
11 procedures. But the Site Evaluation Committee  
12 by law must consider those views.

13 And the Site Evaluation Committee, in  
14 order to grant a certificate, must find that  
15 the project, the siting, construction or  
16 operation of the project will not have an  
17 unreasonable adverse effect on aesthetics,  
18 historic sites, air and water quality, the  
19 natural environment, public -- and the public  
20 health and safety. And, finally, the Committee  
21 must determine whether or not the project will  
22 serve the public interest.

23 All of those things are considered by  
24 the Site Evaluation Committee. And if you've

1 ever gone to one of our deliberative sessions,  
2 where the Site Evaluation Committee is  
3 determining whether to grant a certificate or  
4 not, you will see that they go through each and  
5 every one of those things, just like chapters  
6 in a book. And they consider each one of them  
7 before they get to a final decision as to  
8 whether or not to grant the certificate.

9 Again, our contact information:

10 First, your first point of contact should be  
11 Ms. Monroe, and her information is up there.

12 So, I guess we'll move on to the next  
13 part of our agenda, which is the presentation  
14 by the Applicant. But, just so you know,  
15 you're going to have the ability to ask  
16 questions. And, if you have questions on  
17 anything that I've spoken about, I'm here to  
18 answer them. But we'll do that in the question  
19 portion of the agenda.

20 Thank you.

21 MR. BAREFOOT: Hello. Good evening,  
22 everyone. My name is Heath Barefoot. And I'm  
23 a Project Director with NextEra Energy. And  
24 I'm here to talk to you tonight about Chinook

1 Solar. This is the second opportunity that  
2 I've had to visit and share information about  
3 this facility here in Fitzwilliam. And, once  
4 again, I thank all of you, members of the  
5 public and representatives of the Town, and, of  
6 course, the Committee, for allowing the project  
7 team and myself tonight to be here.

8 So, Chinook Solar is a facility being  
9 proposed by NextEra Energy. NextEra Energy is  
10 the world's leading generator of energy from  
11 the wind and the Sun. We have 90 solar  
12 projects operating in 36 states. And, since  
13 2004, we deployed more than \$85 billion worth  
14 of energy infrastructure. And we think that  
15 this demonstrates our commitment to the  
16 communities in which we work, to successfully  
17 design, build, construct, operate renewable  
18 energy generating facilities.

19 Chinook Solar is a 30-megawatt  
20 photovoltaic solar generation facility proposed  
21 here in the Town of Fitzwilliam. It's located  
22 east of Town, south of Route 119, and east of  
23 Route 12. And it will lie on land that  
24 historically has been logged for timber. And

1 its footprint will be 110 acres.

2 We have filed an Application for Site  
3 and Facility with the New Hampshire Site  
4 Evaluation Committee. That was done back in  
5 October. And, of course, tonight is a  
6 continuation of that process.

7 If we successfully secure a permit,  
8 we anticipate beginning construction in the  
9 Winter of 2020 into 2021. And we would target  
10 a commercial operation date of October 2021.

11 We've heard a pretty good amount of  
12 detail on the SEC process already tonight. I  
13 won't go into that in further detail in my  
14 presentation. But, of course, if we have  
15 specific questions afterwards, we'd be happy to  
16 address any of those.

17 We've engaged in a lot of work. Our  
18 panel of experts and engineers have been busy  
19 surveying, analyzing, investigating various  
20 aspects of the project, as it relates to the  
21 environment, as it relates to aesthetics, the  
22 overall design of the facility. And we're very  
23 proud of the results. We achieved a design, a  
24 structure that we think fits very well with the

1 proposed location. And many of these reports  
2 are all available as part of our Application,  
3 which may be found both at the New Hampshire  
4 Site Evaluation Committee's website, and hard  
5 copies also have been made available here to  
6 the Town as well for the public to review.

7 None of this has happened in a  
8 vacuum. We have continuously consulted with  
9 various agencies in -- here in New Hampshire.  
10 We've investigated or sought advice on any area  
11 of interest. That feedback has along the way  
12 been incorporated into our design plans. And  
13 we have demonstrated a consistent effort in  
14 trying to communicate with the agencies, to  
15 ensure that we have a successful project.  
16 Notably, you know, Fish & Game consults with  
17 any species of interest; for example,  
18 Alteration of Terrain, of course, for storm  
19 water management.

20 In parallel, we've also shared  
21 information here in the Town, with the Planning  
22 Board and the Selectboard, and tried to --  
23 we've consistently followed up to share that  
24 information with the public.

1           Throughout this process, this has led  
2           us to ultimately achieve a design which we feel  
3           very confident works with the location, and one  
4           which we think the community can also be proud  
5           of. It is optimized in a variety of ways. The  
6           site makes use of, to the fullest extent  
7           possible, of existing logging roads. Given the  
8           history of tree -- logging on the site, we've  
9           minimized potential for tree-clearing. We've  
10          avoided any direct impact to wetlands.

11           There are certain design features  
12          that are incorporated that allow mobility of  
13          wildlife. There are gaps in the fence line  
14          that allow that to occur. There are also gaps  
15          in the bottom of the fences that, for example,  
16          allow turtles to migrate from wetlands during  
17          breeding season, up to the highlands, and as  
18          well as small mammals and other wildlife to  
19          move throughout the facility.

20           Also, notably, there are two  
21          high-voltage transmission corridors that run  
22          adjunct to where the project is located. The  
23          first of which is a 345 kV transmission line,  
24          and then, in addition, there is a two-circuit

1 115-kilovolt transmission line.

2 So, the benefits are clear. This  
3 project will deliver clean, reliable energy  
4 that helps the region achieve carbon reduction  
5 goals. It will also provide construction jobs  
6 locally, once construction begins. And while  
7 being a passive land use, once it is finished,  
8 it will continue to pay stable property tax  
9 revenue to the Town over the life of the  
10 project.

11 So, for all those reasons, we feel  
12 that we've designed a great facility, and one  
13 that we're very optimistic in moving forward  
14 with. Thank you.

15 We brought Marc Wallace with us. He  
16 is our sound -- our sound expert. And we know  
17 last time when we were here there were a lot of  
18 questions about sound. And it's very difficult  
19 to kind of discuss sounds in abstract terms.  
20 So, we thought a little demonstration here  
21 might be helpful.

22 MR. WALLACE: My name is Marc  
23 Wallace. I am with Tech Environmental. And  
24 I'm a vice president at the firm. I'm also the

1 Project Manager for the Chinook Solar Sound  
2 Study.

3 I was asked to give a demonstration  
4 tonight of what the sound would be from the  
5 project, versus what we might measure in this  
6 room. So, I'm going to give an overview of the  
7 sound study that we did. And then, I'll do a  
8 brief demonstration of the sound that we're  
9 measuring in the room.

10 But, first, I'd like to talk about  
11 how sound is measured. It's measured with a  
12 sound meter, it's measured in decibels, or dB,  
13 that's the abbreviation for it, and, typically,  
14 it's measured in A-weighted scale, because it's  
15 frequencies that people tend to hear. So, the  
16 numbers that you see are on a dBA level.

17 What we did, as part of our sound  
18 study, was performed an ambient survey, where  
19 we took measurements of sound from the project  
20 site area. We set up a long-term sound meter  
21 in the center of the site. And we collected  
22 measurements over a 24-hour period. The  
23 quietest hours that we had, and that occurred  
24 in the daytime and the nighttime, the sound

1 level was 23 decibels, or dBA, during the  
2 daytime, and 20 decibels at night.

3 We then performed an acoustic  
4 modeling analysis, which was done with a  
5 three-dimensional sound model. We included  
6 receptor points that represented 51 homes  
7 surrounding the site. We took into account  
8 terrain and atmospheric conditions. And we  
9 also put in the sound sources, the inverters  
10 and the transformer and their predicted sound  
11 levels.

12 The model then predicted the sound  
13 levels at each of the homes. And those sound  
14 levels range from 5 decibels to 26 decibels,  
15 which is shown on the chart over to the right  
16 over there. And that also shows what the sound  
17 levels would be from other types of sources.

18 Those sound levels were then added to  
19 the background sound levels. So, the sound  
20 levels that we collected establish a baseline  
21 condition. The total sound was then compared  
22 to the ambient conditions. And that  
23 incremental change is what we compared to the  
24 state and the Fitzwilliam noise ordinance,

1 which is based on a 10-decibel, or dBA, level  
2 above ambient.

3 For most of the homes, the sound  
4 levels were reading zero to 3 decibels, which  
5 are imperceptible by people. And at a few  
6 homes that were closest to the project, we did  
7 have sound levels that were above 4 to 6  
8 decibels above the ambient condition. But,  
9 keep in mind, those were based on when the  
10 facility is running at max power and when -- at  
11 the quietest conditions.

12 So, what I'm going to do now is talk  
13 a little bit about this demonstration. So,  
14 what I have here is a iPad, that has its own  
15 microphone, but we've attached one of our  
16 microphones, which is a laboratory-calibrated  
17 microphone, which is sensitive to plus or minus  
18 1 decibel. So, it's much more sensitive than  
19 the one that's with the iPad itself.

20 The iPad is now communicating with  
21 the computer, which is then showing you what  
22 it's measuring for sound in the room. And it's  
23 primarily myself, you know, conversing with you  
24 folks.

1           So, what I'd like to do is, I'll just  
2           stop talking and we can measure the sound  
3           within the room, so that we can compare that to  
4           what the project sound level is.

5                           *[Short pause.]*

6           MR. WALLACE: So, it's registering  
7           about 39 decibels. Which is about 15 decibels  
8           higher than what we would be expecting from the  
9           project from its maximum sound level.

10                          To give that some kind of  
11           perspective, you know, for every doubling of  
12           sound, you get -- for every 10-decibel  
13           increase, I'm sorry, there's a doubling of  
14           sound. So, with a 15-decibel increase, it's  
15           about three times as loud in this room than  
16           what the project is going to be doing.

17                          So, for example, if you were at home,  
18           and you had your television, and say you set it  
19           at 20, and then you raised it to, say, 60, that  
20           would be about a 15-decibel increase in sound,  
21           or about three times as loud. So, at least it  
22           gives you a better perspective of what the  
23           sound is in this room, compared to what the  
24           project is going to be emitting.

1           So, that's my brief demonstration of  
2           the sound. And I'd be willing to take any  
3           questions during the Q&A portion of the  
4           meeting. Thank you.

5           ADMIN. MONROE: Okay. That ends the  
6           presentation portion of the meeting.

7           So, does anybody have a green form or  
8           would like to fill one out? Do you have  
9           questions that we can take?

10          Because we have a few up here that we  
11          can go through, but I'll hand these to anybody  
12          who want them?

13          Okay, let me come get that.

14          PRES. OFCR. IACOPINO: I'll start  
15          with the first two questions that we have, and  
16          they both appear to be for the Applicant.

17          The first one is, goes as follows:  
18          "As a property owner, my taxes are excessive.  
19          Will this solar development cause our real  
20          estate taxes to decrease? Please quantify."

21          Whoever from your team you want to  
22          address that, that is fine.

23          MR. BAREFOOT: I'll just say that the  
24          project is negotiating with the Town on a

1 Payment in Lieu of Taxes Agreement, which would  
2 provide tax stabilization, in terms of the  
3 revenues the Town would receive and the tax  
4 exposure that the project will face. I think  
5 there's a mutual benefit to both parties in  
6 having an agreement such as that in place.

7 With respect to what that would do to  
8 the Town's tax roll, I don't have any  
9 information available on that.

10 PRES. OFCR. IACOPINO: Okay. The  
11 next question is a lengthy one, and I will read  
12 it as it was written: "When you were here last  
13 you stated that your sound study showed that  
14 only four residences would be impacted by the  
15 noise from the solar arrays transformers. The  
16 term "impacted" is a industry euphemism used to  
17 soften the real issue. The real issue is that  
18 these households will be harmed by the noise.  
19 What changes have you made to the design since  
20 your last visit to mitigate the harm that will  
21 be inflicted on these residents? Have you  
22 designed a sound wall, integrated isolation  
23 strategies, considered encapsulation or other  
24 reasonable accommodations? You said that you

1 want to be a good partner in our community. I  
2 look forward to hearing your response regarding  
3 the measures that you have built into your new  
4 design to alleviate this concern."

5 I figured you would take it.

6 MR. WALLACE: So, we haven't changed  
7 anything in our sound study from what was  
8 presented during the pre-application meeting  
9 back this summer. I will say that, you know,  
10 we have taken into account a lot of different  
11 things within our model to address the  
12 potential sound from the transformers.

13 The size of the transformer is pretty  
14 small. The other portion to it is that, you  
15 know, it's for a solar project. It's not for a  
16 large substation or a typical type of  
17 substation.

18 And, when we did our sound study, I  
19 know there were concerns about tonal issues,  
20 and we addressed that in our current study. We  
21 looked at different tones from the  
22 transformers, as well as from the inverters.  
23 We compared that to the Fitzwilliam tonal noise  
24 ordinance portion of that. And there were no

1 tonal sounds that would be impacted at any of  
2 those homes. The sound levels being 4 to 6  
3 decibels at a few of those homes are on the  
4 level, again, where we're assuming maximum  
5 operation of the facility, and comparing that  
6 to the quietest hour, which is generally not  
7 going to be case.

8 And I would also like to point out  
9 the fact that, when we did our ambient sound  
10 survey, we captured very ideal conditions for  
11 the lowest ambient sound conditions. So, when  
12 we are looking at that incremental change, it's  
13 very conservative from the standpoint of we're  
14 looking at maximum sound level conditions from  
15 the project and comparing it to a very low  
16 background sound level. So, in those cases,  
17 where we're seeing a 4 to 6 decibel increase,  
18 it's slightly noticeable for those people.  
19 But, again, it would be under those extreme  
20 conditions.

21 PRES. OFCR. IACOPINO: The next  
22 question appears to be for the Committee.  
23 There are two questions on the sheet. I'll  
24 read the first one first, then I'll answer it:

1 "Has the Town of Fitzwilliam filed to  
2 intervene?"

3 And the answer to that is "Yes." The  
4 Town of Fitzwilliam has filed a timely Motion  
5 to Intervene, and the Applicant has indicated  
6 that it does not object to the Town of  
7 Fitzwilliam intervening in the proceeding.

8 The second question on the sheet  
9 is -- oh, by the way, that motion is on our  
10 website. If you need the website again, you  
11 can look at it up here at the table. But the  
12 motion from the Town is available to the  
13 public. As will all the motions or anything  
14 that's filed in this that is not subject to a  
15 protective order for some statutory reason. We  
16 try to post everything in the case on our  
17 website, so that the public is fully informed  
18 of all aspects of the operation of the  
19 Committee and any project.

20 ADMIN. MONROE: And I'll just add  
21 that if -- I have the service list for the  
22 project. If you would like to be on the  
23 service list, what that means is that your  
24 email address would be added to it. And when

1 people, parties to the proceeding, file  
2 documents, you would get it as simultaneously  
3 as it's filed with the Committee. Sometimes  
4 there's a lag of a day or two to get the  
5 documents up on the website, that's just  
6 because of staff, I have staff, staff at the  
7 PUC to help with things. But we try to get  
8 them up there as timely as possible.

9 So, if you are interested in  
10 receiving them real-time as everybody else  
11 does, send me an email and I will add you to  
12 the service list.

13 PRES. OFCR. IACOPINO: Your email box  
14 can get full very quickly.

15 The next question is, I'm going to  
16 read it as it was written, but I noticed this,  
17 too: "Benefits? What was that about meeting  
18 renewable goals?"

19 MR. BAREFOOT: There are Renewable  
20 Portfolio Standards established in each of the  
21 states in New England. And facilities, such as  
22 this, help the utilities achieve those goals.  
23 And what those goals seek to establish is a  
24 certain amount of the energy consumed

1 regionally has to be comprised of renewable  
2 sources.

3 PRES. OFCR. IACOPINO: Next question  
4 is: "Can you describe how the site plan shown  
5 on the easel has changed since the public  
6 meeting this past summer?"

7 And make sure you tell us your name,  
8 sir.

9 MR. PERSECHINO: Good evening. Joe  
10 Persechino, Tighe & Bond. I'm the site civil  
11 engineer for the project.

12 We essentially formed the layout of  
13 the facility, including the access drive and  
14 solar PV array. The largest change, there were  
15 some small changes throughout regarding slight  
16 relocation of access drives due to further  
17 considerations of the overall layout of the  
18 site, with some new resource areas being  
19 identified that we were, again, maintaining a  
20 commitment to avoid those resource areas. So,  
21 the old -- the largest, you know, difference  
22 really is the old plan had a access drive that  
23 kind of went through this area *[indicating]*,  
24 which was then found to be a wetland area. So,

1 we relocated the drive, the access road, up and  
2 along more towards the northern portion of the  
3 site, and that required an additional crossing,  
4 an open span crossing, so that would avoid any  
5 direct wetland impacts. That's a very large  
6 change to the plan.

7 PRES. OFCR. IACOPINO: Okay. Next  
8 question has to do with wildlife. It's  
9 actually several questions, but they're all in  
10 the same category. So, mostly about the fence:  
11 First, "How tall is the fence? How far apart  
12 are the gaps in the fencing for the wildlife?  
13 How many gaps are there? And what sizes --  
14 what size wildlife does it restrict?" Or, I  
15 guess the flip-side of that would be, what size  
16 wildlife does it allow to go under the fence?

17 MR. VALLEAU: Dana Valleau, and I'm  
18 from TRC. And, so, the first question is "how  
19 tall is the fence?"

20 PRES. OFCR. IACOPINO: "How tall is  
21 the fence?"

22 MR. VALLEAU: Seven feet, I think is  
23 standard for the height of the fence. "Gaps  
24 between the fence" is the next one?

1 PRES. OFCR. IACOPINO: Yes. "How far  
2 apart are the gaps in the fencing for  
3 wildlife?"

4 MR. VALLEAU: So, around, yes. So,  
5 underneath, it's a 6-inch gap for small  
6 wildlife to be able to traverse underneath the  
7 fence, and also, you know, cross under where  
8 the panels are. But each panel array has gaps  
9 in between it as well. So -- and those vary.  
10 And that would be for the larger mammals that  
11 can't squeeze under the fence. There are  
12 spaces in between each set of arrays.

13 PRES. OFCR. IACOPINO: And what's the  
14 size of those?

15 MR. VALLEAU: They vary. Some are  
16 probably 500 feet, some are 100 feet. So, it  
17 varies, depending on the layout. So, you can  
18 take a closer look at the site plan and see the  
19 gaps between each of the array sets.

20 PRES. OFCR. IACOPINO: And I guess  
21 the questioner is also concerned about "what  
22 size wildlife is restricted", or not  
23 restricted, I guess.

24 MR. VALLEAU: Yes. So, within the

1 arrays where the panels are located, large  
2 wildlife would be restricted. And then, in  
3 between the array areas, any size wildlife  
4 could fit in between.

5 PRES. OFCR. IACOPINO: And could you  
6 tell me what you consider to be "large  
7 wildlife" as opposed to --

8 MR. VALLEAU: Large wildlife? Larger  
9 than a snowshoe hare. So, you know, 6-inch gap  
10 under the fence, anything that could fit under  
11 that 6-inch gap could traverse the array areas.  
12 Between the arrays, anything larger, you know,  
13 up to a moose, could easily walk between the  
14 arrays.

15 PRES. OFCR. IACOPINO: Thank you.  
16 The next question has to do with wetlands:  
17 "You said there would be no direct impact on  
18 wetlands. What are the indirect impacts?"

19 MR. VALLEAU: So, any indirect  
20 impacts are probably related to any stormwater  
21 runoff that's coming from the site. So, in  
22 order to avoid that, stormwater runoff has been  
23 designed to go out off the site in a sheet flow  
24 for the most part. So, it's able to infiltrate

1 into the ground.

2 And, also, we're trying to maintain a  
3 75-foot setback at least from all wetland  
4 areas. Some cases it's more. And there are a  
5 few areas where we do encroach in the 75 feet,  
6 and it's primarily where we cross with open  
7 spans. So, there's two locations where we  
8 cross wetland area with spans that are not  
9 impacting the wetland directly. They're  
10 abutments that are set back from the wetland  
11 boundary and the access span will cross.

12 PRES. OFCR. IACOPINO: Along those  
13 lines, the next question is: "What are the  
14 impacts (direct and indirect) to Scott Brook?"  
15 I think it's "Scott Brook". Is that --

16 UNIDENTIFIED SPEAKER: Uh-huh.

17 MR. VALLEAU: Scott Brook, yes.  
18 We're in the Scott Brook watershed for most of  
19 the project area. And there's no direct impact  
20 to Scott Brook. It's pretty distant from the  
21 project.

22 PRES. OFCR. IACOPINO: The question  
23 is "direct or indirect".

24 MR. VALLEAU: And, so, indirect,

1 again, it could be something related to  
2 stormwater runoff, which we're, you know,  
3 managing, based on DES standards and  
4 requirements.

5 *[Multiple cellphone alerts*  
6 *sounding off for an Amber*  
7 *Alert.]*

8 PRES. OFCR. IACOPINO: Okay. Let's  
9 take a moment. Everybody check their alarms.

10 *[Short pause.]*

11 PRES. OFCR. IACOPINO: Okay. I think  
12 I'm reading this next question correct, but  
13 there's a word I can't quite make out: "What  
14 is a new resource area? The man in the blue  
15 suit jacket spoke too quickly. Please explain  
16 in more detail."

17 MR. PERSECHINO: The best dressed,  
18 right.

19 So, we did delineations initially in  
20 2016, which was a very dry year. And, so, in  
21 2019, we went out to check all the boundaries  
22 from the -- based on that original delineation.  
23 And we identified some areas that weren't  
24 identified. 2019 was a much wetter year. So,

1           then, you know, we identified new areas that  
2           hadn't been identified initially. So, then,  
3           the project design shifted to avoid those new  
4           areas.

5                       PRES. OFCR. IACOPINO: Okay. Next  
6           question, we may need a different person to  
7           answer it. It says this is a "Follow-up to  
8           Renewable Portfolio Standard response. Since  
9           Connecticut and Rhode Island are buying the  
10          power don't the RECs accrue to those states  
11          rather than New Hampshire?"

12                      MR. BAREFOOT: Yes, they do. That's  
13          correct. There are two benefits, though, that  
14          remain local. First of which is the power does  
15          feed into the local transmission grid here and  
16          New England. New Hampshire is part of the  
17          regional grid. And, so, here in New Hampshire  
18          you benefit that way.

19                      And the other benefit is the property  
20          tax payments stay local.

21                      PRES. OFCR. IACOPINO: And just to  
22          those, I should have said, instead of using the  
23          term "RECs, "renewable energy credits" is what  
24          the acronym "RECs" stand for. In our business,

1 we use lots of acronyms unfortunately.

2 There is a comment that follows this  
3 question. It says: "I support this and I am  
4 happy and proud to have it in the Monadnock  
5 Region, but I don't think it helps New  
6 Hampshire meet RPS goals."

7 I don't know if you want to respond  
8 to that or not? It's not a question. It's  
9 just a statement. So, --

10 MR. BAREFOOT: Yes.

11 PRES. OFCR. IACOPINO: Are there any  
12 other questions? Any other written questions  
13 from the audience?

14 There's one in the back there. Well,  
15 it's more than one. Okay. "Eversource said  
16 that there would be no noise from the Route 12  
17 substation. There was. They said that a wall  
18 would not fix it. It did. What is your  
19 commitment to helping homeowners if your sound  
20 modeling is wrong and the noise at their home  
21 is unacceptable?"

22 MR. WALLACE: Can you repeat it?

23 PRES. OFCR. IACOPINO: I certainly  
24 can. Obviously, this questioner is referring

1 to the Route 12 substation by Eversource,  
2 apparently owned by Eversource.

3 "Eversource said there would be no  
4 noise from the Route 12 substation. There was.  
5 They said that a wall would not fix it. It  
6 did. What is your commitment to helping  
7 homeowners if your sound modeling is wrong and  
8 the noise at their homes is unacceptable?"

9 MR. BAREFOOT: Our commitment is that  
10 this facility will be designed and constructed  
11 subject to our permitting conditions. And to  
12 the extent we are not within those conditions,  
13 obviously, we will remain under the  
14 jurisdiction of the Site Evaluation Committee,  
15 and we will have to address those.

16 PRES. OFCR. IACOPINO: Are there any  
17 other questions, written questions from the  
18 audience?

19 *[No indication given.]*

20 PRES. OFCR. IACOPINO: Okay. Hand it  
21 over to you.

22 ADMIN. MONROE: Okay. So, that  
23 closes the question part of it. I see yellow,  
24 I have two, two people here. I guess we've got

1 a couple more. So, if you could come up to the  
2 mike when I call your name, and succinctly  
3 state your comments for the record. And,  
4 again, please speak into the microphone, speak  
5 slowly, as we have the court reporter here.

6 So, Dana Pinney is the first one who  
7 signed up to speak.

8 PRES. OFCR. IACOPINO: Have him come  
9 right up to the microphone.

10 ADMIN. MONROE: Yes. Right there.

11 MR. PINNEY: Thank you. You already  
12 read my questions. And I do have a comment.

13 I'm in favor of solar. I have solar  
14 on my house. And it works. I also live near  
15 the substation, and know what can happen, what  
16 can go wrong, when a large company comes in,  
17 with good intentions, and their project doesn't  
18 work to their expectations.

19 And I would hope that the people  
20 around this project, which, if done right, I  
21 feel is a good thing, aren't harmed.

22 ADMIN. MONROE: Thank you,  
23 Mr. Pinney. Suzanne Fournier is our next  
24 commenter.

1 MS. FOURNIER: Good evening. Suzanne  
2 Fournier, Milford, New Hampshire, 9 Woodward  
3 Drive. So, I am also the coordinator for a  
4 local grass roots environmental group. It's  
5 called "Brox Environmental Citizens".

6 So, I oppose the locations of Chinook  
7 Solar, because the impacts to the environment  
8 are too great. So, in order for New Hampshire  
9 to reap the most benefits from solar, it  
10 needs -- the solar needs to be in the right  
11 places. This place is a bad site for the  
12 following reasons, I think.

13 Number one: We will lose forests.  
14 Now, I understand it had been logged. Forest  
15 is still there. So, loss of forest. And the  
16 forest gives many benefits, they provide many,  
17 many benefits.

18 Number two: There will be impacts on  
19 the wildlife functions of the special wetlands  
20 known as "vernal pools". They're scattered  
21 throughout the site. And, if they're turned  
22 into islands, you know, unreachable islands or  
23 inhospitable islands, that's a problem.

24 Number three: Effect on the already

1 imperiled Blanding's turtle and the wood  
2 turtle. Without studying them at this site,  
3 how can anyone, meaning the Applicant, how can  
4 anyone know what the effects of the project  
5 would be? There's a recent New Hampshire  
6 Supreme Court decision on this issue that I'll  
7 discuss later in my comments.

8 Number four: I also oppose this  
9 project because it is sprawling into green  
10 space. This is known as "energy sprawl". I  
11 picked up that term when I was doing my  
12 research around New England and New Jersey.  
13 New Hampshire has hardly begun to put solar on  
14 existing structures and developed and degraded  
15 lands. It's not well thought out to be rolling  
16 out solar into current use conservation land  
17 and other green spaces. In fact, New  
18 Hampshire's 10 year energy plan that the  
19 Governor puts out has sounded the alarm that,  
20 if we try to meet our renewable energy goals by  
21 ground-mounted solar and wind, the  
22 repercussions for land use would be staggering.

23 Number five: I've done research  
24 recently and wrote a white paper that I'm

1 providing as part of these comments. In it you  
2 will see that Connecticut, Massachusetts, and  
3 New Jersey are ahead of us, us people of New  
4 Hampshire, in that they have already learned  
5 that by sprawl and the loss of farmland and  
6 forest and other green spaces exchanged for  
7 solar, they are now steering developers to  
8 brownfields and other degraded and already  
9 developed places and structures. And they're  
10 using incentives and disincentives to steer in  
11 the right direction.

12 So, in the white paper, I briefly  
13 mention that there's a project in Hopkinton and  
14 Webster, on the town lines there, that was  
15 going to be 17 megawatts on their landfill.  
16 Sounded great. But, now, the project has  
17 increased to 35 megawatts, and will be almost  
18 entirely moved onto private land that appears  
19 to have much forested green space. So, this is  
20 the kind of sprawl that is occurring right now  
21 in New Hampshire. I expect you'll be seeing  
22 that 35-megawatt paperwork soon.

23 So, sprawl, and I'm talking about  
24 sprawl here in Fitzwilliam, sprawl into current

1 use green space could defeat the goals of the  
2 current use program that is to encourage the  
3 preservation of undeveloped farm and forest  
4 land.

5 So, if I have a couple more minutes,  
6 I would like to continue by circling back just  
7 to two of the points I mentioned at the  
8 beginning in opposition. If that's okay?

9 Number one: Forests provide much  
10 more than carbon sequestration, you know,  
11 carbon -- CO2. They provide cooling, climate  
12 resilience, clean water, and habitat for rare  
13 turtles, like the Blanding's and wood turtles  
14 that are at this site. They have been noted  
15 for this project.

16 So, the question I have: Should we  
17 be trading -- Should we be trading these  
18 environmental benefits of forests for the  
19 benefits of solar? I say we don't have to.  
20 What we have to do is look somewhere else to  
21 put the solar.

22 So, number two: This site has many  
23 vernal pools, and I think I remember the number  
24 being 45, you know, and the Applicant divided

1           them up between natural and man-made, perhaps.  
2           To wildlife, they don't know the difference.  
3           They just go to them.

4                         And, so, the vernal pools are so  
5           special. And why are they so special? They're  
6           so special, because they are necessary for  
7           wildlife species that live in the forest that  
8           the project would cut down. They don't stay in  
9           the pools. The forest and the vernal pools go  
10          together, called the "wetland complex", they go  
11          together for the survival of the species, like  
12          the Blanding's turtles and the amphibians that  
13          they eat. The amphibians live in the forest,  
14          as do the Blanding's turtles, but they also use  
15          the vernal pools.

16                        The Applicant has stated in its  
17          paperwork that the known information about the  
18          Blanding's turtles and the wood turtles are  
19          that they live off-site. Fact is, that without  
20          a survey on this site, their actual presence on  
21          the site is just not known. That's information  
22          that is lacking. The Applicant relies on the  
23          Natural Heritage Bureau report, which has a  
24          huge disclaimer that says "most of the this

1 land has not been surveyed", and I saw no  
2 information about the Fish & Game Department  
3 saying that there had been any sort of surveys  
4 on this land, other than the bats. The bat  
5 survey has been done.

6 So, I want to tell you also that the  
7 New Hampshire Supreme Court recently decided a  
8 case, it was November of 2019. It involved New  
9 Hampshire Department of Environmental Services,  
10 its Alteration of Terrain Program, and  
11 endangered wildlife. And I provided a copy of  
12 that decision. But it's also available for  
13 anybody online at the Supreme Court's Decision  
14 page. The court said that prior studies need  
15 to be done in order to know how to design  
16 properly a project, so that the correct  
17 standard of protection of endangered wildlife  
18 is utilized. It's going by -- they want them  
19 to use the correct standard.

20 The regulation at issue is DES's,  
21 it's Env-Wq 1503.19(h). The related rule, it's  
22 kind of parallel what the Site Evaluation  
23 Committee has, you have Site 301.07(c)(4), that  
24 requires, and I'll quote, "assessment of

1 potential impacts of construction and operation  
2 of the proposed facility on significant  
3 wildlife species." So, the Blanding's turtles  
4 and wood turtles, and any other that might be  
5 found if the survey was correctly done.

6 So, again, we're talking, how does  
7 the Applicant provide an assessment without  
8 first surveying for endangered wildlife? And  
9 then, second, without a long-term study of how  
10 the endangered animals are actually using the  
11 site prior to designing the project? And I'll  
12 note that, when the Applicant told us tonight,  
13 when they discovered there were wetlands that  
14 showed up, because of the climate, they saw the  
15 wetlands, they made a change. So, similarly,  
16 with respect to the endangered wildlife, how  
17 they are using the property, it would be very  
18 important to make adjustments to a design.

19 So, I say, without such information  
20 or a survey or a study of significant, you  
21 know, a year or two study, you end up with what  
22 the Applicant says they will do, and that is  
23 surround the entire construction area with silt  
24 fence. Now, maybe they will do that in

1 sections, and it will be broken up, it's  
2 mentioned that there would be some 100 feet,  
3 maybe 500 feet between sections. But,  
4 nevertheless, I think it would add up to miles  
5 of silt fence that would be put up. And silt  
6 fence blocks everybody. So, this is what the  
7 Applicant said. They would put up silt fence  
8 around the entire construction area, and they  
9 said it may be in sections at a time, but there  
10 still would be miles of length of silt fence  
11 that would prevent Blanding's turtles to get  
12 into their vernal pools to feed, and rest, and  
13 other activities they do in the pools, they  
14 find mates, and that would be in the spring and  
15 summer.

16 So, I, unfortunately, have the  
17 unpleasant experience seeing turtles,  
18 Blanding's and others, turtles following a silt  
19 fence that has blocked their access to vernal  
20 pools in the Town of Milford.

21 So, I hope you will review the  
22 Supreme Court decision and decide to require a  
23 study, a survey, a long-term study.

24 In closing, I want to stress that the

1 environmental impacts on the endangered and  
2 rare wildlife are unknown at this time, but  
3 expected, I believe, to be severe for the loss  
4 of the forests that would be cut down, you  
5 know, and the vernal pools would be impacted,  
6 because the forest is gone, and that's part of  
7 the wetland complex.

8 So, the last point is that New  
9 Hampshire needs to wake up and stop energy  
10 sprawl, as the other states are working to do,  
11 before we lose hundreds and then thousands of  
12 acres that have been wisely saved in current  
13 use.

14 So, thank you for hearing my  
15 comments.

16 PRES. OFCR. IACOPINO: Thank you.

17 ADMIN. MONROE: Thank you,  
18 Ms. Fournier. Patricia Martin is the next  
19 speaker.

20 MS. MARTIN: Thank you for taking my  
21 comment. I live in the next town over, in  
22 Rindge. And, first, I want to express my  
23 gratitude to the people of Fitzwilliam for  
24 entertaining this project.

1           As we know, every energy project has  
2           a price. There's a cost associated no matter  
3           what you do. My understanding is that the land  
4           that this project is going on has been  
5           previously logged. And I wanted to give people  
6           a little perspective that the Burgess biomass  
7           plant, up in Berlin, burns through one acre of  
8           woodland per hour when it's operating to  
9           generate 75 megawatts of electricity. And, so,  
10          it would burn through an area of the proposed  
11          solar project in six days.

12           You know, as I said, every project  
13          has its cost. The use of fossil fuels,  
14          Professor Webler, Dr. Webler, at Keene State  
15          College, did an analysis. And it turns out  
16          that fossil fuel projects, because we don't see  
17          all of it, actually requires about three times  
18          the amount of land. You know, it may be in  
19          Pennsylvania, it may not be in your backyard,  
20          but it requires three times as much land as a  
21          solar project.

22           So, I really encourage NextEra to be  
23          very good to the people of Fitzwilliam, to be  
24          very careful about their wildlife and their

1 species, and to reward them well for hosting  
2 this project. And that the project overall  
3 will be very successful, so that it can be a  
4 model for making these projects available to be  
5 sited in other areas of New Hampshire.

6 We have a lot of land, and we don't  
7 have a lot of people. And, so, the land can be  
8 a resource for us. It can help with carbon  
9 sequestration. And having solar does not  
10 diminish the ability to do plantings underneath  
11 the solar panels that will help sequester  
12 carbon. It's a total solution. And we have to  
13 be realistic about, if not fossil fuels, then  
14 what is it that we want?

15 So, thank you very much.

16 ADMIN. MONROE: Thank you,  
17 Ms. Martin. And our last speaker, unless  
18 somebody else wants to fill one out, is  
19 Stephanie Scherr.

20 MS. SCHERR: Yes. Stephanie Scherr.  
21 I live in Fitzwilliam.

22 The first thing I'd like to do is  
23 just thank all of the Fitzwilliam residents who  
24 came out tonight. This is a weeknight, and

1 folks are tired, and we put these things aside,  
2 but it's important to our town.

3 In 2014, Kinder Morgan tried to put  
4 the Northeast Energy Direct directly through  
5 this town. And I won't soon forget that, and I  
6 won't let you forget it either. They wanted to  
7 take out some of the houses of our residents,  
8 and they wanted to put it through our wetlands  
9 and through a pristine aquifer. They wanted to  
10 put it through our neighbors' towns and through  
11 a lot of southern New Hampshire. We were  
12 angry, upset, hurt, frightened, stressed out,  
13 and worried about what is going to happen to  
14 our town. And, at that time, we would have  
15 been super thankful for this project.

16 That doesn't mean this project is  
17 perfect. It means that we need to be just as  
18 cautious and thoughtful in the things that we  
19 ask about this and hope that it is well sited.  
20 And I'm thinking that some excellent questions  
21 have been brought up tonight.

22 Those of you that have questions when  
23 you go home, or you learn something else,  
24 please ask for resources on how you can still

1 send those questions in, because those  
2 questions are really important, and they will  
3 be documented.

4 After that NED pipeline was  
5 withdrawn, and that was Kinder Morgan, along  
6 with Liberty Utilities, this town learned a  
7 great deal about what was going on around it.  
8 And we put money into surveying our wetlands,  
9 and we designated prime wetlands. And we have  
10 a list of more wetlands that we can potentially  
11 designate prime, because we have the entire  
12 town survey and found out what amazing resource  
13 we have. That's something that NextEra should  
14 know we care about and we want to preserve.  
15 And, so, we are going to be watching carefully.  
16 We want you to be very protective of that, we  
17 care about those things.

18 The Granite Bridge pipeline is now  
19 being pushed by Liberty Utilities, who learned  
20 a lot from Kinder Morgan. And, so, the  
21 pipeline threat is not gone. And, in this  
22 project coming to Fitzwilliam, it's helpful to  
23 us, and we need to be supportive of solar  
24 projects and other renewable energy projects,

1 because of the fact that that pipeline threat  
2 is still very real. It's not in our town  
3 today, but it could be tomorrow.

4 And we have senators, state senators,  
5 from both parties, who are in full support of  
6 fossil fuel expansion in our state. I'm not  
7 sure if you're aware of that, but now you know.  
8 And I would suggest that you talk to them about  
9 your support for renewable energy projects such  
10 as this.

11 I get a lot of questions about this  
12 project. Even when I don't know the answer, I  
13 try to find them. But the most frequent  
14 question that I personally receive is "Hey, you  
15 know, I'll support it, but is the energy for  
16 our town? Because, if it's not for our town,  
17 I'm not interested." But it's for all of us.  
18 It goes into the grid, and, therefore, we all  
19 share it.

20 So, even if it doesn't seem like it's  
21 just for Fitzwilliam, it is for Fitzwilliam,  
22 because that's where our energy comes from. It  
23 goes into shared resources. So, yes, we do  
24 benefit from that.

1           In terms of our neighbor from  
2           Milford, I'd just like to say just a few  
3           things. I grew up in New Jersey. And my  
4           biggest concern was that we were losing  
5           farmland, and still are, in an alarming rate,  
6           and it's through development. And, so, in New  
7           Jersey, absolutely, we thought solar should be  
8           pushed as quickly as possible, not for the loss  
9           of green space, but it's still happening at an  
10          alarming rate.

11                 But that's a problem here in New  
12          Hampshire as well. When I moved here in 1993,  
13          there was a lot less development than there is  
14          now. When you live here, you don't see that  
15          happening, because it happens a little at a  
16          time. But I can tell you that it has changed a  
17          great deal.

18                 So, yes. When we have those  
19          services, when we have parking lots or malls,  
20          we should be thinking about "Hey, is the  
21          parking lot porous? And can we cover that  
22          parking lot and those buildings with solar  
23          panels?" And it should absolutely be our first  
24          preference.

1           However, we do need to make room for  
2           it as quickly as possible. We need to make  
3           sure that we're getting on this, because the  
4           climate emergency is real, it's here. We all  
5           know that it's happening. Deny it or not, it's  
6           in our face. It's on TV, in the videos. It's  
7           real. There's no denying it. And New  
8           Hampshire is facing some extreme consequences  
9           already. We have wildlife that are in  
10          detrimental situations. We're losing our  
11          moose, whales, cod, shrimp. Those are our  
12          livelihoods in many ways. They're not just  
13          things that we eat and hunt, but they're things  
14          that bring tourists to our city, to our towns,  
15          to our homes. This is important to us. And  
16          the only way to protect that is to think about  
17          the future, right now, every day. It's an  
18          emergency.

19                 I also just want to say, I ask that  
20          our Conservation Commission please consider  
21          doing what you can to find out about the impact  
22          to wetland services, because Scott Brook is a  
23          really important resource for us.

24                 And, lastly, just to say that, if you

1 didn't know it already, that Fitzwilliam is one  
2 of the towns, and so is Rindge, that  
3 participated in Solarize Monadnock this past  
4 summer. We had a great detail of interest in  
5 residential solar. And, so, people are  
6 interested here, and they are learning more.  
7 It's something we need to embrace. But I thank  
8 you for your support.

9 I do support this project. But, as I  
10 said, I also want to make sure that it's well  
11 sited. And I ask you to continue asking  
12 questions and to attend these things and speak  
13 with your neighbors. Thank you.

14 ADMIN. MONROE: Thank you,  
15 Ms. Scherr.

16 Is there anybody else who would like  
17 to make a public comment?

18 *[No indication given.]*

19 ADMIN. MONROE: Hearing none, I guess  
20 we will adjourn the hearing. Thank you all for  
21 coming out tonight. And look forward to seeing  
22 you on February 20th, at 6 p.m., back here.

23 ***(Whereupon the Public Information***

24 ***Session was adjourned at 7:23 p.m.)***

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**C E R T I F I C A T E**

I, **Steven. E. Patnaude**, a Licensed Shorthand Court Reporter, do hereby certify that the foregoing is a true and accurate transcript of my stenographic notes of these proceedings taken at the place and on the date hereinbefore set forth, to the best of my skill and ability under the conditions present at the time.

I further certify that I am neither attorney or counsel for, nor related to or employed by any of the parties to the action; and further, that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in this action.

---

Steven E. Patnaude, LCR  
Licensed Court Reporter  
N.H. LCR No. 52  
(RSA 310-A:173)